

**2005 DRAFTING REQUEST**

**Bill**

Received: **09/08/2005**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Dan Johnson**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Ban on sale of goods and services at unreasonable prices during times of emergency

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 09/08/2005	lkunkel 09/22/2005		_____			State
/1			jfrantze 09/23/2005	_____	lemery 09/23/2005	lnorthro 09/23/2005	

FE Sent For:

<END>

*At intro.*

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/?	csundber	1/mk 9/22	7/9/22	7/12/22			

FE Sent For:

<END>

## **Sundberg, Christopher**

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**From:** Gibson-Glass, Mary  
**Sent:** Wednesday, September 07, 2005 10:34 AM  
**To:** Sundberg, Christopher  
**Subject:** FW: Request for bill drafting

**Attachments:** AB-762.pdf

Chris, this one is yours. I'll let Kedzie' office know. I had no real expertise in this area so feel free to make changes.

Thanks,

Mary

---

**From:** Johnson, Dan (Legislature)  
**Sent:** Tuesday, September 06, 2005 5:09 PM  
**To:** Gibson-Glass, Mary  
**Subject:** Request for bill drafting

Hi Mary,

I hope this is a simple enough request. Senator Kedzie would like to have 2001 Assembly Bill 762 redrafted for introduction. The LRB# is 4395/1. No changes or amendments are needed. If you have any questions, please let me know. A copy of the 2001 bill is attached.

Thank you!

Dan Johnson  
Chief of Staff

**State Senator Neal Kedzie**  
Assistant Majority Leader  
11<sup>th</sup> Senate District  
608-266-2635



AB-762.pdf (16 KB)

In: 9/8/05

Due: 9/23/05

2001 - 2002 LEGISLATURE

3626/1

LRB-439571

MGC:lmh:jf

CTS 1m/c

## 2001 ASSEMBLY BILL 762

January 31, 2002 – Introduced by Representatives KEDZIE, KRUSICK, URBAN, OWENS, SINICKI, GRONEMUS, LASSA, SERATTI, SYKORA, FREESE, RYBA, STASKUNAS and HUEBSCH, cosponsored by Senators DARLING, WIRCH and KANAVAS. Referred to Committee on Small Business and Consumer Affairs.

- 1 AN ACT *to create* 100.305 of the statutes; **relating to:** sales of consumer goods
- 2 and services during periods of abnormal economic disruption, requiring the
- 3 exercise of rule-making authority, and providing a penalty. ✓

### *Analysis by the Legislative Reference Bureau*

the  
→ This bill prohibits the sale in this state of consumer goods and services at unreasonably excessive prices during a period of abnormal economic disruption caused by an emergency. Under the bill, an emergency includes a destructive act of nature, a hostile action, terrorism, or a disruption of energy supplies that poses a risk to public's economic well-being, public health, or welfare. The prohibition is only in effect if the governor, by executive order, certifies that a period of abnormal economic disruption exists. The bill defines consumer goods and services to be those that are used primarily for personal, family, or household purposes. The prohibition applies to all wholesale and retail sales of consumer goods and services. Under the bill, the department of agriculture, trade and consumer protection (DATCP) must promulgate rules to establish formulas or other standards to be used in determining what are unreasonably excessive wholesale and retail prices. ✓

identifying  
→ For an initial violation of this prohibition, the bill requires that DATCP issue a warning notice instead of filing an action against the seller. If the seller fails to comply with the warning notice or subsequently violates the prohibition after receiving the notice, DATCP, or the department of justice (DOJ) after consulting with DATCP, may file a court action to enjoin the seller from violating the prohibition or to recover a forfeiture of not more than \$10,000, or DATCP or DOJ may seek both the injunction and the forfeiture.

**ASSEMBLY BILL 762**

✓ For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:* ✓

1       SECTION 1. 100.305 of the statutes is created to read:

2       **100.305 Prohibited selling practices during periods of abnormal**  
3 **economic disruption. (1) DEFINITIONS.** In this section:

4       (a) “Consumer goods or services” means goods or services that are used  
5 primarily for personal, family, or household purposes. ✓

6       (b) “Emergency” includes any of the following: ✓

7           1. A tornado, flood, fire, storm, or other destructive act of nature. ✓

8           2. A disruption of energy supplies to the degree that a serious risk is posed to  
9 the economic well-being, health, or welfare of the public. ✓

10          3. Hostile action. ✓

11          4. A strike or civil disorder. ✓

12       (c) “Hostile action” means an act of violence against a person or property in the  
13 United States by a foreign power or by a terrorist. ✓

14       (d) “Period of abnormal economic disruption” means a period of time during  
15 which normal business transactions in the state are disrupted, or are threatened to  
16 be disrupted, due to an emergency. ✓

17       (e) “Seller” means a manufacturer, supplier, wholesaler, distributor, or retailer. ✓

18       **(2) PROHIBITION.** No seller may sell, or offer to sell, in this state at wholesale  
19 or at retail, consumer goods or services at unreasonably excessive prices if the  
20 governor, by executive order, has certified that the state is in a period of abnormal  
21 economic disruption. ✓

## ASSEMBLY BILL 762

1 (3) RULES. The department shall promulgate rules to establish formulas or  
2 other standards to be used in determining whether a wholesale or retail price is  
3 unreasonably excessive. ✓

4 (3m) WARNING NOTICE. If a person violates sub. (2), the department shall issue  
5 a warning notice to the seller. The warning notice shall specify the action that the  
6 seller is required to take in order to not be in violation of sub. (2). ✓

7 (4) PENALTIES. If a warning notice under sub. (3m) has been issued to a seller,  
8 and the seller either fails to take the required action that is specified in the notice  
9 or subsequently violates sub. (2), the department, or the department of justice after  
10 consulting with the department, may commence an action in the name of the state  
11 to do either or both of the following:

12 (a) Recover a civil forfeiture of not more than \$10,000 from the seller. ✓

13 (b) Temporarily or permanently restrain or enjoin the seller from violating sub.

14 (2). ✓

15 (END)

dn

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3626/1dn

CTS:.....

mk

(date)

✓  
Sen. Kedzie:

✶ This is a redraft of 2001 AB-762. Please contact me if you have any questions. ✓

Christopher T. Sundberg  
Legislative Attorney  
Phone: (608) 266-9739  
E-mail: christopher.sundberg@legis.state.wi.us



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3626/1dn  
CTS:lmk:jf

September 23, 2005

Sen. Kedzie:

This is a redraft of 2001 AB-762. Please contact me if you have any questions.

Christopher T. Sundberg  
Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [christopher.sundberg@legis.state.wi.us](mailto:christopher.sundberg@legis.state.wi.us)

**Barman, Mike**

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**From:** Johnson, Dan (Legislature)  
**Sent:** Friday, September 23, 2005 9:13 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3626/1 Topic: Ban on sale of goods and services at unreasonable prices during times of emergency

It has been requested by <Johnson, Dan (Legislature)> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3626/1 Topic: Ban on sale of goods and services at unreasonable prices during times of emergency